

Message Text

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ACTION EUR-12

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TAGS: PINT, PGOV, PDEV, UK
SUBJECT: DEVOLUTION: SCOTLAND BILL SENT TO LORDS

REF: LONDON 2681

1. THE GOVERNMENT'S BATTLE-SCARRED SCOTLAND DEVOLUTION
BILL PASSED ITS FINAL TEST IN COMMONS FEBRUARY 22 WHEN
IT WAS APPROVED ON FINAL READING BY A 40-VOTE MAJORITY.
ALTHOUGH COMMONS OVERRODE GOVERNMENT OPPOSITION TO
MAKE SEVERAL AMENDMENTS IN THE BILL, ONLY THREE OF THESE
CHANGES ARE OF SIGNIFICANCE. THEY ARE: THE REQUIREMENT
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THAT THE FINAL ACT BE ENDORSED BY 40 PERCENT OF THE
ELIGIBLE SCOTTISH ELECTORATE IN THE REFERENDUM; THE
PROVISION GIVING THE SHETLANDS AND ORKNEY ISLANDS THE
OPTION OF RETAINING DIRECT LINKS WITH THE CENTRAL
GOVERNMENT RATHER THAN COMING UNDER A DEVOLVED SCOTTISH
GOVERNMENT; AND THE PROVISION WHICH PROHIBITS THE
REFERENDUM WITHIN THREE MONTHS OF A GENERAL ELECTION.

THE FORMER PLACES AN EFFECTIVE QUALIFICATION ON THE SCOTTISH FRANCHISE AND IS RESENTED BY MANY SCOTS. THE GOVERNMENT AND MANY OBSERVERS BELIEVE THAT THIS ACTION GIVES THE SCOTTISH NATIONAL PARTY (SNP) A STRONG ISSUE TO WHIP UP SEPARATIST SENTIMENT IN SCOTLAND. THE SHETLANDS/ORKNEY AMENDMENT, ABOUT WHICH THE GOVERNMENT IS AMBIVALENT, UNDERMINES THE NATIONALISTS' CLAIM TO NORTH SEA OIL, SINCE SOMETHING OVER A THIRD OF THE NORTH SEA OIL RESERVES ARE LOCATED IN AREAS WHICH ARE AT LEAST NOTIONALLY WATERS OF THOSE ISLANDS. ON THE OTHER HAND, A DECISION BY THE ISLANDERS TO OPT OUT OF DEVOLVED GOVERNMENT WOULD CREATE SERIOUS ADMINISTRATIVE PROBLEMS FOR HMG. THE THIRD SIGNIFICANT AMENDMENT LIMITS THE GOVERNMENT'S FREEDOM TO SCHEDULE THE REFERENDUM. ASSUMING THE BILL CANNOT BE ENACTED BEFORE THE EARLY FALL AND A FALL GENERAL ELECTION, THE REFERENDUM CANNOT BE HELD BEFORE EARLY 1979.

2. THE FINAL VOTE SAW MOST DISSIDENT LABOR BACKBENCHERS SUPPORTING THE GOVERNMENT (SEVEN OR EIGHT LABOR MPS VOTED AGAINST THE BILL), AND THEY WERE JOINED BY THE LIBERAL PARTY (ONE DEFECTOR TO THE OPPOSITION CAMP), THE SNP, THE WELSH NATIONALIST PLAID CYMRU AND A CLUTCH OF TORIES. THE BULK OF THE CONSERVATIVES AND THE ULSTER UNIONISTS OPPOSED.

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3. COMMENT: THE BILL WILL NOW MOVE TO THE HOUSE OF LORDS, WHERE ITS FUTURE IS UNCERTAIN. THERE HAS BEEN CONSIDERABLE SPECULATION THAT THE CONSERVATIVE MAJORITY IN THE UPPER HOUSE WILL FILIBUSTER IT (THE LORDS DOES NOT HAVE A TIMETABLE PROCEDURE), BUT THE GOVERNMENT STILL APPEARS CONFIDENT THAT ITS THREAT TO KEEP THE PEER IN SESSION THROUGHOUT THE SUMMER, COUPLED WITH THE REFERENDUM, WILL BE SUFFICIENT TO DISSUADE OPPONENTS OF THE BILL FROM TRYING TO BLOCK ITS PROGRESS. WHILE THE GOVERNMENT IS PROBABLY CORRECT, WE WOULD EXPECT THE BILL'S PROGRESS TO BE SLOW AND TO SEE IT HUNG WITH MANY NEW AMENDMENTS WHEN IT FINALLY EMERGES. FURTHER AMENDMENT, OF COURSE, WOULD NECESSITATE THE BILL'S RETURN TO COMMONS, OPENING THE WAY FOR A PROLONGED PERIOD OF LEGISLATIVE PING PONG AS THE BILL BOUNCES BACK AND FORTH BETWEEN THE TWO CHAMBERS.

BREWSTER

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